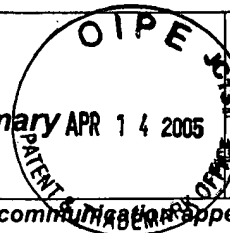


04-15-05

FRW



Office Action Summary

Application No.

10/646,002

Applicant(s)

RIEBAU ET AL.

Examiner

Chuck Mah

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) [] Responsive to communication(s) filed on _____.
2a) [] This action is FINAL. 2b) [X] This action is non-final.
3) [] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) [X] Claim(s) 1 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) [] Claim(s) _____ is/are allowed.
6) [X] Claim(s) 1 is/are rejected.
7) [] Claim(s) _____ is/are objected to.
8) [] Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) [] The specification is objected to by the Examiner.
10) [] The drawing(s) filed on _____ is/are: a) [] accepted or b) [] objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) [] The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

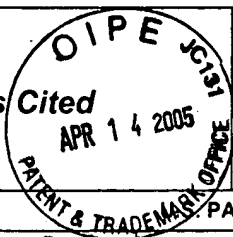
- 12) [] Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) [] All b) [] Some * c) [] None of:
1. [] Certified copies of the priority documents have been received.
2. [] Certified copies of the priority documents have been received in Application No. _____.
3. [] Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) [X] Notice of References Cited (PTO-892)
2) [] Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) [] Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) [] Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) [] Notice of Informal Patent Application (PTO-152)
6) [] Other: _____.

Notice of References Cited



Application/Control No.

10/646,002

Applicant(s)/Patent Under
Reexamination
RIEBAU ET AL.

Examiner

Chuck Mah

Art Unit

3676

Page 1 of 1

PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,546,594	04-2003	Wills, Steven	16/422
	B	US-6,512,158	01-2003	Dobos, John A.	602/41
	C	US-6,491,996	12-2002	Digangi, Mary Ann	428/43
	D	US-6,385,817	05-2002	Johnson, Ron D.	16/431
	E	US-6,187,696	02-2001	Lim et al.	442/77
	F	US-5,722,672	03-1998	Frederick, Sonya	280/33.992
	G	US-5,686,706	11-1997	Wurzburger, Isaac	181/131
	H	US-5,480,377	01-1996	Cartmell et al.	602/48
	I	US-5,364,677	11-1994	Sendziak, Walter	428/40.1
	J	US-4,981,737	01-1991	Rico, Nicholas	428/41.7
	K	US-3,935,890	02-1976	Dolnick, Seymour S.	4/661
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	None				
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Art Unit: 3676

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 1 is rejected as failing to define the invention in the manner required by 35

U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Further, it is not clear, from both the claim and the disclosure, whether "non-porous polyethylene plastic foam pad, non-latex rubber material" is defined as two separate laminated structures (laminated polyethylene plastic foam or laminated rubber) or a one-piece laminate having both foam and rubber.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. (6,187,696) in view of Dolnick (3,935,890).

'696 discloses a protective cover as claimed but for using non-porous polyethylene plastic foam and non-latex rubber material for forming the laminate.

Art Unit: 3676

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the laminate of '696 with non-porous polyethylene plastic foam and non-latex rubber material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Further, '696 does not show an adhesive surface for attachment to an equipment. '890 teaches a protective cover having an adhesive surface for attaching to a surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective cover of '696 with an adhesive surface so that the protective cover can be easily be attached to any surface as desired.

Conclusion

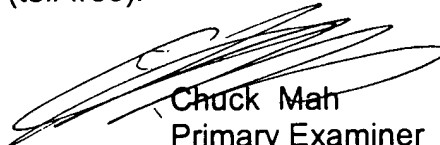
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (703) 308-0676. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah
Primary Examiner
Art Unit 3676

CM

I claim:

1. The invention relates to a protective covering that will provide a sanitary cover to aid in the prevention of the spread of viruses and bacteria among persons sharing medical, physical therapy and physical equipment, devices and accessories, allowing everyday usage of medical, physical therapy and physical exercise equipment by multiple users. The I C WRAP is composed of a 1/16 inch thick Polyethylene foam pad, backed with clear HDPE adhesive film. Producing a non-slip, equipment-contacting side, and a sanitary surface on the patient contact surface. The protective covers for use with or without being provided in a roll of covers that have perforations at predetermined spaced intervals that allow the user to tear off one or more sections to achieve a cover of a desired size or in flat sheets.